



BOARD OF APPEALS  
Diane R. Gordon, Co-Chair  
Harry Miller, Co-Chair  
Bailey S. Silbert

# *Town of Brookline*

## *Massachusetts*

Town Hall, 1<sup>st</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2210 Fax (617) 730-2248  
Patrick J. Ward, Secretary

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. BOA 070058

Petitioner, ZETA BETA TAU Fraternity, applied for a modification to a Special Permit issued by the Board of Appeals, case #030053 on their property located at 58 Manchester Road.

On October 25, 2007 the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed November 15, 2007 at 7:00 p.m. on the 2<sup>nd</sup> Floor, Main Library, as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published October 25 and November 01, 2007 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

TOWN OF BROOKLINE  
MASSACHUSETTS  
BOARD OF APPEALS  
NOTICE OF HEARING

**Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:**

Petitioner: **ZETA BETA TAU FRATERNITY**  
Location of Premises: **58 MANCHESTER RD BRKL**  
Date of Hearing: **11/15/2007**



**Time of Hearing: 07:00 p.m.**

**Place of Hearing: Main Library, 2<sup>nd</sup> fl.**

A public hearing will be held for a special permit and/or variance from:

Extend time period for additional four years at **58 MANCHESTER RD BRKL.**

Said Premise located in a **T-5** District.

*Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.*

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.*

**Diane R. Gordon  
Harry Miller  
Bailey S. Silbert**

Present at the hearing was Chair, Diane Gordon and Board Members Harry Miller and Bailey Silbert. The fraternity was represented by Mr. Brendan Englot, President, Zeta Beta Tau Fraternity, 58 Manchester Road, Brookline, MA.

Mr. Englot described the history of zoning relief granted at the subject address as follows:

1924 – Existing frame house converted to fraternity house.

1961, Case #1092 – special permit granted to build new brick building for 28-member fraternity.

1964, Case #1292 – modification denied to increase occupancy from 28 to 42 members.

1965, Case #1092A – modification granted to permit 42 members subject to 5 year limitation.

1970, Case #1620 – 5 years extension of 42 member limit.

1975 – 2003, Cases #1988 through #BOA030053 – Time extensions were granted 8 times for the

42-member fraternity, four times for 4 years and four times for 3 years. The most recent extension will end on December 31, 2007.



Mr. Englot described the structure at 58 Manchester Road as a 2½-story brick fraternity house located on the corner of Naples Road. There is a side yard parking lot for 14 cars. The lot is screened from the abutting homes by shrubs. The neighborhood consists primarily of two-family homes and apartment buildings, with a three-story apartment building directly across the street.

Mr. Englot said that the purpose of these periodic hearings is to ensure that past conditions have been complied with and that no new issues have arisen that may be mitigated with new conditions. The vegetation, as required by the 1995 conditions, has been planted and maintained as screening from headlight glare. He said that they were requesting a four-year extension of the time limitation in BOA Case #030053 on the Zeta Beta Tau Fraternity's special permit.

The Chair asked whether anyone would like to speak in favor or in opposition to the proposal and no one responded. The petitioner presented a letter signed by 13 local residents in support of the requested extension.

Polly Selkoe, Assistant Director for Regulatory Planning said that the Planning Board Board has no objection to granting a four year time extension for the Zeta Beta Tau Fraternity. The Board considers the frequent review of the fraternity as an incentive for good behavior and an opportunity for the neighbors to comment positively or negatively. The Board feels that access to fraternity officers, as set up in previous cases, should be continued to ensure communication with the neighbors. Therefore, she said, the Planning Board recommends a four-year time extension subject to the following conditions, which are based on the 2003 conditions:

- 1. All rooms in the fraternity house shall be rented only to members of the MIT Chapter of the ZBT fraternity. A memo to this effect shall be sent to all fraternity brothers, posted in a public place in the fraternity, and submitted to the Department of Planning and Community Development for its file.**



2. **The property shall be properly maintained and the area picked up at least weekly and more often if necessary.**
3. **The names and phone numbers of the fraternity's trustees and the designated fraternity community liaison shall be filed with the Building Commissioner [with a copy sent to the Department of Planning and Community Development] and sent to the abutting property owners.**
4. **As part of the effort to insure continuity within the fraternity to improve communication with its neighbors, the fraternity shall post a permanent set of instructions in the fraternity president's office, including telephone numbers and who shall be available in an emergency.**
5. **Fraternity representatives shall meet periodically with neighborhood representatives to resolve any differences regarding the operation and maintenance of the fraternity house and the conduct of its members.**

The Chair then called on Frank Hitchcock representing the Building Department. Mr. Hitchcock described the subject use for the Board. He said that the request was a simple modification to Board of Appeals case 030053. Mr. Hitchcock said that the Building Department has no objection to the proposal or to the conditions recommended by the Planning Board.

The Chair asked the petitioner what he intended to provide as a counterbalancing amenity to satisfy the requirements of Section 5.43 and Mr. Ferraro stated he was going to provide additional landscaping and new fencing on his lot.

The Board, having deliberated on this matter and having considered the foregoing testimony, finds that periodic evaluation of the petitioner's behavior is in the Town's best interest and gives this Board an opportunity to refresh and remind the fraternity's brotherhood of its responsibilities pursuant to continued zoning relief.

A four year extension of time limitation set out in case 1988-G on the ZBT Fraternity's special permit is hereby granted from January 1, 2008 through December 31, 2011, subject to the following conditions:

1. All rooms in the fraternity house shall be rented only to members of the MIT Chapter of the ZBT fraternity. A memo to this effect shall be sent to all fraternity brothers, posted in a public place in the fraternity, and submitted to the Department of Planning and Community Development for its file.
2. The property shall be properly maintained and the area picked up at least weekly and more often if necessary.
3. The names and phone numbers of the fraternity's trustees and the designated fraternity community liaison shall be filed with the Building Commissioner [with a copy sent to the Department of Planning and Community Development] and sent to the abutting property owners.
4. As part of the effort to insure continuity within the fraternity to improve communication with its neighbors, the fraternity shall post a permanent set of instructions in the fraternity president's office, including telephone numbers and who shall be available in an emergency.
5. Fraternity representatives shall meet periodically with neighborhood representatives to resolve any differences regarding the operation and maintenance of the fraternity house and the conduct of its members.

Unanimous Decision of  
The Board of Appeals

Filing Date: November 16, 2007

A True Copy:

ATTEST



Patrick J. Ward

Clerk, Board of Appeals



Diane Gordon